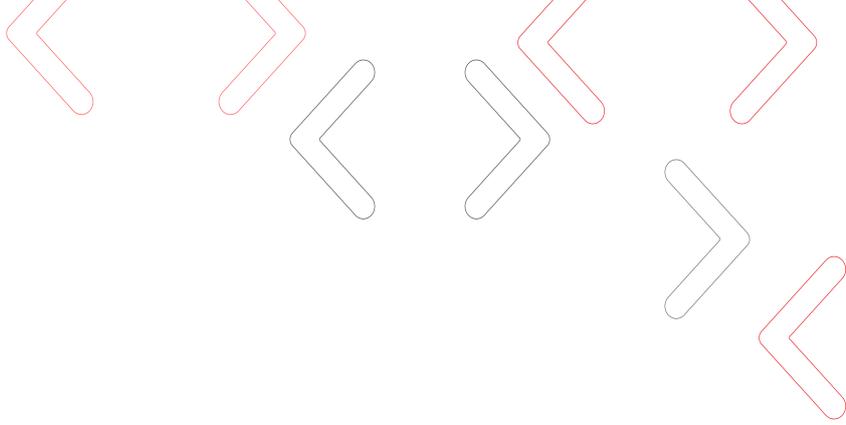**EngageMedia**

In the Name of
Religious Harmony

Challenges in Advancing Religious
Freedom in Digital Indonesia

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FOREWORD

The rise of hate narratives and violations of freedom of religion or belief (FoRB) and freedom of expression (FoE) in digitally mediated public spaces is a serious impediment to development of secular, inclusive, and open online spaces.

Rapid digitalisation has produced unresolved questions of identity politics—exclusionary politics based on religious and ethnic fault lines—that have challenged Indonesia since democratic reforms in 1998. Religious minorities continue to face discrimination and limits on free expression, while the government—at the national and local level—continues to crack down on religious groups. Religion is central to Indonesians' cultural and moral expression; a study from Pew Research Center revealed that 96 percent of Indonesian respondents equate the belief in God with having good values. Religious institutions in Indonesia play a particularly large role in public life, offering congregations a sense of community and safety, especially during hardships such as the COVID-19 pandemic.

This report is part of the 'Challenging hate narratives and violations of freedom of religion and expression online in Asia' (Challenge) project. Conducted in collaboration with the Association for Progressive Communications (APC), the Challenge project covers South and Southeast Asia, focusing on countries where religious-based hate narratives run rampant, especially against minority groups. The country-specific approach offers an

opportunity to understand how narratives and speech that touch on religion or religious identities are framed in different contexts, and what the implications are for safeguarding digital rights.

This research builds upon previous Challenge project studies by [Khandhadai](#) and [Venkiteswaran](#), with a focus on the analysis of the violations, restrictions, and limitations on information, communication, and digital rights that undermine digitally-mediated FoRB and FoE in Indonesia. While specifically discussing the ways in which digitalisation facilitates novel forms of violations and limitations, this research is also attuned to Indonesia's post-authoritarian history and the impact of local politics in configuring the landscape of religious expression in the country. We pay attention to the roles played by religious institutions and law enforcement in mediating—or, conversely amplifying—religious tension, as well as the increasing normalisation of the central government's authoritarian practices in response to intolerance. The research reflects on the challenges faced by Indonesian civil society organisations in unravelling such complexities in their attempt to counter intolerance.

In this report we articulate how the sociopolitical realities of offline religious life mould the use of digital media, and we present novel ways in which the use of digital media poses varying challenges and opportunities to advance FoE and FoRB in Indonesia.

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I.
INTRODUCTION

> " Indonesia's biggest threat is not terrorism but intolerance.
>
> SIDNEY JONES, QUOTED BY ANITA WAHID[1]

This report investigates freedom of expression (FoE) and freedom of religion or belief (FoRB) in Indonesia's digitally mediated public spaces. The increased use of social media and other digital platforms for mediating religiosity and belief has, paradoxically, enabled both the free exercise and curtailment of religious expression. This has led to changes in the enforcement of existing laws and policies that affect FoE and FoRB in a complex sociopolitical context where faith-based discrimination has long existed. While cognisant of the ways such a history of discrimination shapes religious expression today, we mainly focus on developments in the past ten years wherein religious expression has seen a period of rapid digitalisation. Our aim is to answer three research questions:

1. What Indonesian state laws and policies have affected FoE and FoRB online?
2. What are the FoE and FoRB policies of major online/social media platforms?
3. Who has experienced significant limitations of FoE and FoRB online in the past decade?

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1   Anita Wahid is a board member of Public Virtue Research Institute. She has been leading Masyarakat Anti Fitnah Indonesia (Indonesian Anti-Defamation Society, or Mafindo) to address the spread of disinformation in social media during the elections in Indonesia. Anita Wahid, interview by Diani Citra and Ida Fitri Astuti, November 4, 2021.

Along with the mobilisation of Islamic populism, the popularity of smart communication technologies has changed how Indonesians practice their faith. New technologies have provided opportunities for adherents to share personal and public expressions of piety and to explore mediated forms of religious experience. Social networking sites in particular have become focal points for displays of Indonesia's many forms of religiosity.[2] However, while social media has expanded free expression in Indonesia, the country has seen an increase in the number of citizens or organisations prosecuted for religious expression deemed upsetting to the moral order or social harmony. Some prosecutions allege violations of Indonesia's Electronic Information and Transaction (ITE) law. Other cases involve the use of non-medium-specific laws such as the Criminal Code, blasphemy, pornography, or defamation laws. These legal actions all involve the use of digital media technology in either the production or distribution of content related to religion.

To understand digitally mediated religious expression, the research team conducted semi-structured interviews with five informants specialising on FoE and FoRB issues and a short online survey involving 46 respondents from civil society, academe, government, faith communities, technology companies, and social media platforms. Data collection was conducted between October and December 2021. In addition to incorporating data from news articles, laws, and academic studies, we conducted information-gathering and knowledge-sharing activities with renowned Indonesian production house WatchDoc, which is currently producing a film highlighting FoRB for indigenous religious communities.

Our research yields three significant findings that clarify the limitations on FoE and FoRB online:

1. The ability to freely exercise religious expression in Indonesia is unequal and hierarchical. The more marginal one's faith, the less freedom one can expect.
2. Laws meant to protect FoE and FoRB serve to reinforce majoritarianism which mainly, but not exclusively, make use of Islamic vernaculars as a universalising norm in Indonesian society.
3. There is little liability for online platforms that amplify religious intolerance.

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2   Martin Slama, "Social Media and Islamic Practice: Indonesian Ways of Being Digitally Pious," in *Digital Indonesia: Connectivity and Divergence*, ed. Edwin Jurriens and Ross Tapsell (Singapore: ISEAS-Yusof Ishak Institute, 2017).

Throughout the report, we discuss how the combination of Indonesia's colonial and authoritarian history, poor legislation, arbitrary enforcement of laws, and fractured civil society exacerbates these problems even further.

II.
INDONESIA'S DIGITALLY MEDIATED RELIGIOUS LANDSCAPE

> " A minority offline is a minority online.
>

Since Indonesia's formal independence from Dutch colonial rule, the role of religion in public life has always been contested and negotiated. "Belief in the Almighty God," the first principle of Indonesia's state ideology Pancasila, provoked debate ever since its formulation by Muslim and Christian representatives during the declaration of independence in 1945.[4] Guiding the Indonesian constitution, that principle was thought to be discriminative against non-monotheistic believers in a country with more than 1,000 indigenous communities who may not share the belief in One God.[5]

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[3] Leonard Chrysostomos Epafras is a member of and a researcher in the Faculty of Theology, Universitas Kristen Duta Wacana (Duta Wacana Christian University) and the Indonesian Consortium for Religious Studies (ICRS).

[4] Tony Rudyansjah, "Modernization and Religion on Bali: A Cultural-Sociological Study of the Parisada Hindu Dharma" (Master thesis, Depok, Universitas Indonesia, 1987).

[5] Samsul Maarif, *Pasang Surut Rekognisi Agama Leluhur dalam Politik Agama di Indonesia* (Yogyakarta: CRCS Universitas Gadjah Mada, 2017); Paul Marshall, "The Ambiguities of Religious Freedom in Indonesia," *The Review of Faith & International Affairs 16*, no. 1 (2018): 85–96.

Yet the principle remained and episodes of religious tension have plastered Indonesian history. During and after the purge of the Partai Komunis Indonesia (Indonesian Communist Party, or PKI) in 1965, believers not adhering to Indonesia's two major religions, Islam and Christianity, were tagged communists and persecuted, leading to widespread religious conversions.[6] During the authoritarian New Order era, the government limited political Islam only to the state-recognised Partai Persatuan Pembangunan (United Development Party, or PPP). Meanwhile, the public display of religious expression, such as the wearing of a hijab, was regarded as 'extremism'; Islamic alter-politics was considered as a potential destabilising threat to Indonesian unity.[7] Only after the democratic reforms in 1998 did religious adherents start to enjoy relative freedom of religious expression. But exclusionary forms of political Islam hastily took hold of private religious actors—entrepreneurs, clerics, religious activists, and politicians—aspiring to take over the role of reinforcing moral order, previously held by the state.

The contestation and negotiations over religious freedom continued well into the digital era. On one hand, digital technologies have broadened access to democratic communication and the freedom to express one's religion or belief. Online spaces and social media have dramatically decreased the costs of political participation[8] and afforded a public space for minority religious communities.[9]

There is abundant contemporary evidence demonstrating how religious piety intersects with online spaces. For instance, the Qur'an recitation group known as One Day One Juz (ODOJ) allows believers to easily reach their religious leaders and exchange ideas with fellow adherents through WhatsApp groups.[10] The online setting of ODOJ has helped

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6 Michel Picard, "Introduction: 'Agama', 'Adat', and Pancasila," in *The Politics of Religion in Indonesia: Syncretism, Orthodoxy, and Religious Contention in Java and Bali*, ed. Michel Picard and Rémy Madinier (London and New York: Routledge, 2011), 1–20.

7 Suzanne Brenner, "Reconstructing Self and Society: Javanese Muslim Women and 'the Veil,'" *American Ethnologist* 23, no. 4 (1996): 673–97.

8 Marco Deseriis, "Rethinking the Digital Democratic Affordance and Its Impact on Political Representation: Toward a New Framework," *New Media & Society* 23, no. 8 (2021): 2452–73.

9 Samsul Maarif, interview by Ida Fitri Astuti, October 19, 2021.

10 In this group, each member takes a turn reading one *juz* (a lengthy chapter of the Qur'an). As members read chapters to each other online, they hold each other accountable. Fatimah Husein, interview by Diani Citra and Ida Fitri Astuti, October 26, 2021.

Muslim women gain and exercise political agency otherwise not afforded to them in public physical spaces.[11] In the provinces of Sulawesi and Papua, small Jewish communities are invigorated by new converts through evangelism broadcasted on YouTube.[12]

Similarly, Indonesian atheists—who have long had to tread cautiously due to the association of atheism with blasphemy—have been particularly adept at using the internet to counter negative perceptions.[13] According to survey respondents who identified as atheist and/or agnostic, online platforms have allowed them to simultaneously increase their visibility and protect their anonymity. By combining online communication and advocacy with offline meetings, they have been able to establish a thriving community that is gradually gaining acceptance within Indonesian society. Digital technologies, and the media ecosystems in which they take shape, enable individuals and communities to pursue freer and more open approaches to religiosity compared to more conventional settings.[14]

On the other hand, the same tools that facilitate religious freedom can also exacerbate restrictions. Epafras' opening quote alludes to the fact that digital technology alone cannot bypass social and political limitations in the physical world. While digital media has bridged the gap between believers and religious leaders, believers can also bypass religious authorities completely by using the internet to look for information themselves. This has fueled the rise of alternative religious authorities and counterpublics in online spaces, who may normalise less inclusive views in religious practice and expression.[15] For example, several loosely affiliated Islamic revivalists on social media have incorporated urban popular culture such as Japanese animation and comics,[16] as well as thrash metal music and underground punk

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11   Eva F. Nisa, "Social Media and the Birth of an Islamic Social Movement: ODOJ (One Day One Juz) in Contemporary Indonesia," *Indonesia and the Malay World* 46, no. 134 (2018): 24–43.

12   Epafras, interview, November 17, 2021.

13   Saskia Schäfer, "Forming 'Forbidden' Identities Online: Atheism in Indonesia," *Austrian Journal of South-East Asian Studies* 9, no. 2 (2016): 253–68.

14   Husein, interview; Slama, "Social Media and Islamic Practice."

15   Husein, interview; Epafras, interview, November 17, 2021.

16   Pradipa P. Rasidi, "Otaku Muslim: Pemuda dalam Kompromi Islam dengan Budaya Pop Jepang," *in Communication Student Summit 2012: Youth and Pop Culture* (Surabaya: Universitas Airlangga, 2012).

culture,[17] to tie their faith with the consumer culture of young urbanites and warn about the dangers of liberal Islam.

Decentralised structures have also allowed previously fringe firebrand Islamist clerics from Front Pembela Islam (Islam Defenders Front, or FPI) to be catapulted to the centre of online discourses regarding the role Islam should play in the public space.[18] This is particularly apparent during the '212' Islamist rallies in 2016, which utilised social media to gather over a hundred thousand Indonesians across the country to Jakarta, attracting both urban poor and middle class alike.[19] Although large numbers of attendees came from disappointed communities protesting against Jakarta's discriminatory policies towards the urban poor, religious language dominated the rallies as protesters accused then-Jakarta Governor Basuki Tjahaja Purnama of blasphemy. In 2017, loosely affiliated camps of the 'hacktivist' Muslim Cyber Army triggered waves of persecution, as they called for witch hunts of individuals accused of insulting Islamic clerics.[20]

Consequently, politicians trying to gain legitimacy and win electoral votes have mobilised this fervour, some of them even funding groups of online trolls to perpetuate exclusivist narratives.[21] At the same time, the central government is also playing with religious narratives[22] in their unconstitutional efforts to crack down on organisations they

17   Imam Ardhianto, "Contemporary Islamic Movement, Popular Culture and Public Sphere in Indonesia: The #IndonesiaTanpaJIL Movement," *Archipel* 95 (2018): 151–71; Wai Weng Hew, "The Art of Dakwah: Social Media, Visual Persuasion and the Islamist Propagation of Felix Siauw," *Indonesia and the Malay World* 46, no. 134 (2018): 61–79.

18   Ian Wilson, "Between Throwing Rocks and a Hard Place: FPI and the Jakarta Riots," *New Mandala*, June 2, 2019, https://www.newmandala.org/between-throwing-rocks-and-a-hard-place-fpi-and-the-jakarta-riots/; Tzu-Chien Yen, "Habib Bahar's Fifteen Minutes of Infamy," *New Mandala*, December 19, 2018, https://www.newmandala.org/habib-bahars-fifteen-minutes-of-infamy/.

19   Abdil Mughis Mudhoffir, "Why Hundreds of Thousands of Muslims Rallied against the Jakarta Governor," *The Conversation*, November 9, 2016, https://theconversation.com/why-hundreds-of-thousands-of-muslims-rallied-against-the-jakarta-governor-68351.

20   Wahid, interview; Damar Juniarto, "The Muslim Cyber Army: What Is It and What Does It Want?," Indonesia at Melbourne, March 20, 2018, https://indonesiaatmelbourne.unimelb.edu.au/the-muslim-cyber-army-what-is-it-and-what-does-it-want/.

21   Ali Nur Alizen and Maarif Setiadi Fajar, "Election Campaigns and Cyber Troops," *Inside Indonesia*, 2021, https://www.insideindonesia.org/election-campaigns-and-cyber-troops.

22   "Cybertrooping," *Inside Indonesia*, 2021, https://www.insideindonesia.org/edition-146-oct-dec-2021.

brand as 'radical Islam'.[23] Not surprisingly, the central government is using its own online trolls to leverage support and punish dissent.

During the past decade, this complex and digitally mediated religious landscape has been coloured by the arbitrary use of laws by the government and law enforcers, both at the central and local level, to regulate and constrain FoE and FoRB in Indonesia.

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23   Nava Nuraniyah, "The Costs of Repressing Islamists," *New Mandala*, October 29, 2021, https://www.newmandala.org/the-costs-of-repressing-islamists/.
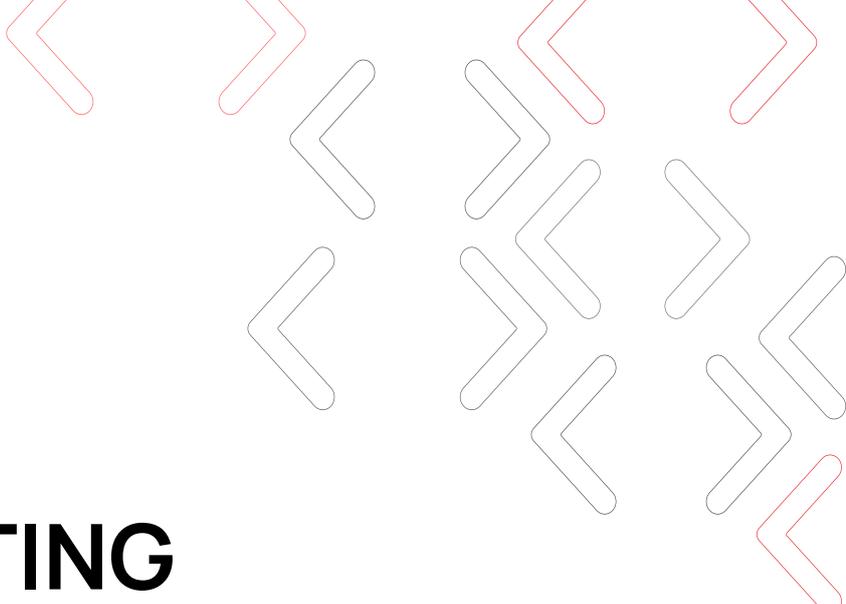
III.
LAWS REGULATING RELIGIOUS BELIEF AND EXPRESSION IN INDONESIA

> " Fact of the matter is, to this day [in Indonesia], religious freedom is an inadequate concept.
>
> SAMSUL MAARIF[24]

Understanding the complexities of religious discrimination in Indonesia goes beyond examining formal legal statutes and involves looking at the underlying logic through which these laws operate. While interrogating the provisions of the laws remains important, the selective enforcement of laws by security apparatuses at both the national and local level is even more decisive in affecting the freedom and constraints of religious expression in Indonesia. Such arbitrary applications of the law by authorities not only bear legal consequences for targeted individuals, but also create powerful social repercussions (such as shame and community exclusion) that perpetuate the cycle.

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24   Samsul Maarif is the head of the master's program of the Center for Religious and Cross-Cultural Studies (CRCS), Universitas Gadjah Mada. He is the coordinator of the Rumah Bersama coalition on issues of indigenous people. Maarif, interview.

The Indonesian legal infrastructure itself has never fully resolved the question of religious freedom. Indonesia classifies itself as a secular country, codifying the right to religious freedom in the amended Constitution of 1945.[25] The Constitution guarantees freedom of religion and speech, with the state as the primary duty bearer to fulfil, protect, and promote FoRB.[26] Indonesia is also signatory to international legal instruments providing protections for religious freedom, such as the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (which Indonesia ratified into domestic law, Law No. 12/2005). In addition, Indonesia also passed the Joint Ministerial Decree (SKB 3 Menteri) in 2021, prohibiting government institutions and public schools from requiring or banning uniforms and attributes with religious symbols.

Paradoxically, the same Constitution restricts these freedoms for the sake of "morality, religious values, security, and public order in a democratic society."[27] The state officially acknowledges only six religions: Islam, Protestantism, Catholicism, Hinduism, Buddhism, and Confucianism. These recognised religions (*agama*) are enshrined in Indonesia's state ideology, Constitution, and Criminal Code, effectively making blasphemy illegal and punishing deviations from these officially recognised religions.[28]

Agama, the Indonesian word for religion, is not a mere translation of the English word into local Sanskrit, but is imbued with a meaning combining the "Christian view of what counts as world religion and [an] Islamic understanding of what defines a proper religion."[29] To be legally recognised as an *agama* in Indonesia, a religious practice must have a prophet, a holy book, and a belief in the One and Only God—standards taken from the creeds of both Islam and Christianity. Indonesian practitioners of Hinduism and Buddhism consequently had to invent the singular God concepts of Sang Hyang Widhi and Sang Hyang Adi Buddha, respectively, to be accommodated by this definition of *agama*.[30]

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25   "The State guarantees all persons the freedom of worship, each according to his/her own religion or belief." Article 29 (2) of The 1945 Constitution of the Republic of Indonesia.

26   Article 4 and 22 of Law No. 39 year 1999 concerning Human Rights.

27   Article 28J (2) of The 1945 Constitution of the Republic of Indonesia.

28   Schäfer, "Forming 'Forbidden' Identities Online: Atheism in Indonesia."

29   What is considered as 'world religion' are the ones with essential similarities to Christianity: having formal structures of fixed doctrines, canonical authority, being enforced by a priestly hierarchy, and sustained by congregational worship. Read more in Michel Picard, "Introduction: 'Agama', 'Adat', and Pancasila," 2-3.

30   Maarif, interview; Rudyansjah, "Modernization and Religion on Bali."

It is for this reason that the state only recognises faith with universalising and missionising tendencies. Indonesia has another heterogeneous category of faith known as *Aliran Kepercayaan* used to refer to both indigenous beliefs with historical roots in the archipelago and to other traditional rituals different from the official religions.[31] These beliefs do not receive the same protections as recognised religions. Legally, these faiths are treated under the category of 'culture' instead of 'religion'; rather than being organised under the Ministry of Religious Affairs, they are under the jurisdiction of the Ministry of the Education and Culture. Compared to religion, the status of 'culture' implies that an identity group carries less weight. Their practitioners are commonly perceived as people who have yet to embrace religion and are regarded to be more 'primitive', as opposed to believers of the 'more advanced' recognised religions. When certain religions are designated official, other faiths are open to being stigmatised and thereby "heretised."[32]

The Indonesian legal system places great emphasis on harmonisation and consensus-making or '*kerukunan*',[33] both of which factor into approaches to religious rights. Historically, most government policies intended to govern religious diversity have been based on preserving '*kerukunan beragama*' (religious harmony), not upholding human rights. This emphasis tends to communicate to the public that it is virtuous to monitor the religious expression of one's neighbours.

While Indonesia statistically is indeed predominantly Muslim, the claim of the majority itself is historically argued by some scholars.[34] The 1965 purge of the PKI (Indonesian Communist Party) saw many suspected communists (some being former adherents of indigenous beliefs) undergoing religious conversion, resulting in an increase of Muslims in

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31   The state has registered more than 182 *aliran kepercayaan* communities at the national level and more than 1,000 in local communities. Examples include Islam Aboge, Islam Ammatoa, Kejawen, Kaharingan, Mulajadi Nabolon, and Kristen Dayak. From 2006 to 2016, indigenous religious communities were forced to attend education programs at schools operated by the six official religions. Their followers faced legal discrimination until 2017, when the Constitutional Court formally acknowledged indigenous belief as a category of faith entitled to equal rights. See Maarif, *Pasang Surut Rekognisi Agama Leluhur*.

32   The term *disesatkan* (heretised) is commonly used to describe a communal effort to categorise a belief as heresy Leonard Chrysostomos Epafras, interview by Watchdoc Documentary, October 26, 2021.

33   Epafras, interview, November 17, 2021.

34   Maarif, *Pasang Surut Rekognisi Agama Leluhur*; Picard, "Introduction: 'Agama', 'Adat', and Pancasila."

national population data. Scholars such as Samsul Maarif and Leonard Chrysostomos Epafras consider the 1965 purge a turning point in a 'minoritisation process' in which other religious groups have faced greater discrimination.[35]

Due to the law's emphasis on preserving majoritarian 'religious harmony', ideological transgressions (such as atheism) and ideas that fall outside the interpretations of mainstream religion will attract legal proceedings and sometimes intimidation. However, defining what constitutes 'religious harmony' and its violation is largely left to the discretion of law enforcers, who may use various legal instruments at their disposal to safeguard 'harmony'. Laws that are not directly related to FoE and FoRB, such as the electronic transaction law, may be used to penalise offenders. The provisions in such laws, and how these have been used by authorities, set general limits for social media expression and place formidable hurdles in the way of anyone who hopes to express progressive opinions.

In this section, we focus on the three most effective legal means for regulating religious expression online:

1. Blasphemy in the 1965 Presidential Decree and the Indonesian Criminal Code
2. Pornography Law (UU Pornografi) of 2008 and various other circumstantial regulations on decency
3. Information and Electronic Transaction Law (Undang-undang Informasi dan Transaksi Elektronik, or ITE) of 2008

Of these, the ITE Law has been frequently invoked by law enforcers in cases alleging blasphemy and violations of public decency, including on digital platforms.

This report includes a few cases that highlight how online and offline religious spaces blend as offline and digital religious contexts intersect, creating a kind of hybrid space.[36] Religious identity permeates through various aspects of civic life. One's religious beliefs,

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35 Wahid, interview; Epafras, interview, October 26, 2021; Maarif, *Pasang Surut Rekognisi Agama Leluhur*; Picard, "Introduction: 'Agama', 'Adat', and Pancasila."

36 John Postill and Leonard Chrysostomos Epafras, "Indonesian Religion as a Hybrid Media Space: Social Dramas in a Contested Realm," *Asiascape: Digital Asia* 5 (2017), https://doi.org/10.1163/22142312-12340086.

and the ability to express such beliefs, has practical consequences: religious identity is formalised in national identity cards, which consequently have an effect on administrative necessities—getting a marriage certificate, applying for a job, or enrolling in public schools. The ability to express one's belief also has social impact online and offline, as one's inclusion or exclusion in certain groups is dependent on one's religious identity.

Blasphemy

> " I agree that [law enforcement] needs to calm everyone down and initiate dialogue. But what happens in the end is that minority groups are always asked to yield.
>
> ANITA WAHID[37]

Indonesia's blasphemy laws are encoded in two places: Articles 156 and 156(a) of the Criminal Code and the 1965 Presidential Decree No. 1/PNPS/1965 on Prevention of Blasphemy and Abuse of Religions. Article 156(a) states that those "who purposely express their views or commit an act that principally disseminates hatred, misuses or defames a religion recognised in Indonesia face at maximum five years imprisonment."[38] In essence, the law prohibits statements or activities that insult a recognised religion or intend to prevent someone from practising such a religion. It also forbids the distribution of information designed to spread hatred or dissent on the basis of ethnicity, religion, or race. The provisions permit the prosecution of individuals for blasphemous, atheistic, or heretical statements. Below are some examples of recent, noteworthy blasphemy prosecutions in Indonesia:

1. Doni Irawan was sentenced in 2020 to three years in prison after tearing and throwing away a Qur'an.[39]
2. Suzethe Margareta was found guilty in 2020 of bringing her dog into a mosque[40] but was not sentenced due to her diagnosis of schizophrenia.

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37   Wahid, interview.

38   Article 156 (a) of Law No. 1 year 1946 concerning Indonesian Criminal Code.

39   "Indonesia: Events of 2020," World Report 2021 (Human Rights Watch, 2021), https://www.hrw.org/world-report/2021/country-chapters/indonesia.

40   "Indonesia: Events of 2020."

3. Three former leading figures of the Gerakan Fajar Nusantara (National Dawn Movement, or Gafatar) were sentenced in 2017 to five years in prison for differing from mainstream interpretations of Islam.[41]

On the ground, law enforcers can arbitrarily act beyond the two laws described above to charge people of blasphemy. The ITE Law, for instance, provides a more recent, digitally specific iteration of principles penalising blasphemy through Article 28(2) on "inciting hatred on other groups."[42] The past decade has seen an increase in the types and number of groups vulnerable to prosecution for online religious speech and cases alleging blasphemy on digital platforms. What used to be a very rare political case prior to 1998 is now more common.

Yayasan Lembaga Bantuan Hukum Indonesia (Foundation of the Indonesian Legal Aid Institute, or YLBHI) reported 67 cases of blasphemy in 2020 alone. In 43 of these, the offending source was social media.[43] Notable prosecutions under the ITE Law include Alnoldy Bahari, who was sentenced to five years imprisonment for Facebook posts deemed to insult Islam and for spreading 'hate speech';[44] Apollinaris Darmawan, a Catholic, who was arrested twice for comments on his social media thread that were deemed blasphemous toward Muslims;[45] and Sudarto, who was arrested for using social media to criticise a ban on Christmas services in his village.[46]

The most noteworthy case in recent history occurred in 2016, following a series of rallies called '212' which has been noted as the largest Muslim mobilisation in Indonesia's

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41   "Editorial: Convicted for Their Beliefs," *TEMPO.CO English*, March 16, 2017, https://en.tempo.co/read/856642/convicted-for-their-beliefs.

42   "Any person who knowingly and without authority disseminates information aimed at inciting hatred or dissension on individuals and/or certain groups of community-based on ethnic groups, religions, races, and inter-groups (SARA)." Article 28 (2) of Law No. 11 year 2008 concerning Information and Electronic Transaction.

43   Asfinawati and Aditia Bagus Santoso, "Laporan YLBHI atas Kasus Penodaan Agama Sepanjang Tahun 2020," Laporan Penodaan Agama di Indonesia (Jakarta: Yayasan Lembaga Bantuan Hukum Indonesia, 2021), https://ylbhi.or.id publikasi/laporan/laporan-ylbhi-atas-kasus-penodaan-agama-sepanjang-tahun-2020/.

44   "Five Years Imprisonment and Fine for Facebook Post," Press Release, Amnesty International Indonesia, May 9, 2018, https://www.amnesty.id/five-years-imprisonment-fine-facebook-post/.

45   "Indonesia: Events of 2020."

46   "Drop Hate Speech Charge against Interfaith Activist," Press Release, Amnesty International Indonesia, January 8, 2020, https://www.amnesty.id/drop-hate-speech-charge-against-interfaith-activist/.

democratic period.[47] The case involved then-Governor of Jakarta, Basuki Tjahaja Purnama, popularly known as Ahok, who is himself a double minority as a Christian of Chinese descent. During his electoral candidacy, Ahok suggested that his political opponents were using Islam as a campaign tool, a statement that drew the ire of conservative Muslims.[48]

The 2016 case was the first use of Indonesia's blasphemy law against a high-profile senior politician in recent history.[49] Some scholars believe that Ahok lost the election primarily because of the blasphemy case.[50] Others argue that Ahok's controversial urban development policies factored heavily in his loss, and that the blasphemy charges served to express the resentment of communities affected by his policies.[51] Ahok's prosecution,

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47   Greg Fealy, "Bigger than Ahok: Explaining the 2 December Mass Rally," Indonesia at Melbourne, December 7, 2016, https://indonesiaatmelbourne.unimelb.edu.au/bigger-than-ahok-explaining-jakartas-2-december-mass-rally/.

48   In a campaign speech, Ahok said that voters were being "deceived using verse fifty-one of al-Maida" (a chapter of the Quran). A 37-second clip from his hour-long speech was posted online. The video swiftly went viral and incited outrage among conservative Muslims. Calling the incident blasphemous, hardliners organised rallies calling for Ahok's arrest. The North Jakarta District Court convicted him of blaspheming Islam.

49   Jewel Topsfield, "Jailing of Jakarta Governor Ahok Puts Focus Back on Indonesian Blasphemy Laws," *The Sydney Morning Herald*, May 12, 2017, https://www.smh.com.au/world/jailing-of-jakarta-governor-ahok-puts-focus-back-on indonesian-blasphemy-laws-20170512-gw3f40.html; Agence France-Presse, "Indonesia Faces Calls to Repeal Blasphemy Laws after Jailing of Jakarta Governor Ahok," *The Straits Times*, May 10, 2017, https://www.straitstimes.com/asia/se-asia/indonesia-faces-calls-to-repeal-blasphemy-laws-after-jailing-of-jakarta-governor-ahok.

50   Marcus Mietzner and Burhanuddin Muhtadi, "Explaining the 2016 Islamist Mobilisation in Indonesia: Religious Intolerance, Militant Groups and the Politics of Accommodation," *Asian Studies Review* 42, no. 3 (2018): 1–19.

51   In 2016 alone, Ahok's city planning project forcefully displaced 5,726 families of urban poor and 5,379 small businesses. This provoked a wave of protests from displaced citizens and human rights activists. Ahok claimed that the urban poor were illegal squatters, but he was accused of double standards as the evictions did not apply to commercial areas and elite neighbourhoods in Jakarta, illegally built on water catchment areas. Responding to protests, Ahok insisted, "if two thousand people oppose me and endanger 10 million people, I will murder them [those two thousand people] in front of you," ironically echoing the logic of majoritarianism. See Alldo Fellix Januardy, Julio Castor Achmadi, and Cindy Iqbalini Fortuna, "Seperti Puing: Laporan Penggusuran Paksa di Wilayah DKI Jakarta Tahun 2016" (Jakarta: Lembaga Bantuan Hukum Jakarta, April 3, 2017); Danu Damarjati, "HAM Versi Ahok untuk Melindungi Rakyat Banyak," *detik.com*, August 22, 2015, https://news.detik.com/berita/d-2998358/ham-versi-ahok-untuk-melindungi-rakyat-banyak; Ian Wilson, "Jakarta: Inequality and the Poverty of Elite Pluralism," *New Mandala*, April 19, 2017, https://www.newmandala.org/jakarta-inequality-poverty-elite-pluralism/; Mudhoffir, "Why Hundreds of Thousands of Muslims Rallied against the Jakarta Governor."

conviction, and two-year imprisonment spurred renewed calls for repealing the blasphemy law.[52]

While taken as an act of aggression toward a faith community, Ahok's statement however pales in comparison to the content of sermons that agitator Islamic clerics regularly broadcast online. These broadcasts frequently scorn non-Muslims as *kafir* (unbelievers) whom Muslims should avoid, or mock other religions' conception of God, which do not conform to Islamic standards. Although some of these Islamic clerics have been similarly charged with blasphemy, such firebrand remarks usually do not receive the same heavy sanctions even when these statements may put minority communities at risk. Ahok's case underscores the dilemma of practitioners of minority religions: they must navigate a very fine line when it comes to criticising the country's largest religion. Scholar Merlyna Lim observes that in Indonesia's online political landscape, "low-risk activism tends to encourage more participation."[53] However, seemingly minor actions, such as mild critiques of Islamic practice or politics, can become high-risk if they draw the ire of certain communities.

It is important to underline these cases as an issue of majoritarianism. According to renowned progressive Muslim intellectual Ulil Abshar Abdalla, blasphemy cases are typically escalations of previously unresolved tensions between different members of a community divided by other social boundaries (such as economic class).[54] These unresolved tensions then translate into religious ones when one party claims to be a part of the religious majority whose demands have to be respected for the sake of harmony.

In this regard, law enforcers play a critical role. A study by PUSAD Paramadina, a Jakarta-based research centre studying the relation between religion and democracy, revealed that the way police forces mediate tensions between groups is an important factor

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52   Ministry of Religious Affairs spokesman Matsuki conceded misuse of the law in this case but added that the government wanted to improve the legislation rather than end it. "If we abolished it, more problems would arise… If blasphemy happens and we have no guidelines, there will be chaos." See Agence France-Presse, "Indonesia Faces Calls to Repeal Blasphemy Laws after Jailing of Jakarta Governor Ahok."

53   Merlyna Lim, "Many Clicks but Little Sticks: Social Media Activism in Indonesia," *Journal of Contemporary Asia* 43, no. 4 (2013): 636–57.

54   Ulil Abshar Abdalla, interview by Diani Citra and Ida Fitri Astuti, November 3, 2021.

in resolving local conflict before they escalate and take on religious overtones.[55] Of the eight cases cited in the study, police forces' lack of impartiality and selective law enforcement contributed to escalating religious tensions. In Samarinda, East Kalimantan, police forces were even involved in raiding Ahmadiyya community members accused as blasphemers.[56] Considering that the judicial system in Indonesia depends on the individual deliberation of judges and prosecutors, they hold the privileged position of interpreting regulations so as to fit their own personal religious values and, consequently, curbing the freedom of expression of others.[57]

Religious studies scholar Leonard Chrysostomos Epafras points to the need to examine and scrutinise the role of religious institutions, especially at the local level, in calming religious tensions or, conversely, prolonging conflict.[58] Some progressive religious organisations, like the Nahdlatul Ulama's youth militia Barisan Ansor Serbaguna (Banser), do play a crucial role in upholding religious tolerance, as exhibited in Banser's role in 'counter-trolling' online trolls harassing Shia communities and safeguarding the rituals of other religious minorities.[59] But such endeavours have not gained wide attention from both Indonesian and international civil society organisations and researchers, and tend to be eclipsed by larger or more influential local religious organisations.[60]

Samsul Maarif of the Centre for Religious and Cross-Cultural Studies (CRCS) remarked that local religious institutions tend to prioritise maintaining relationships with local state actors or strongmen and are willing to compromise for the sake of 'harmony', even at the cost of undermining the rights of religious believers.[61] Even institutions considered as religious minorities, such as the local branches of Persekutuan Gereja Indonesia (Council of

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55   Rizal Panggabean et al., *Policing Religious Conflicts in Indonesia* (Jakarta: PUSAD Paramadina, 2015).

56   Epafras, interview, November 17, 2021; Panggabean et al, *Policing Religious Conflicts in Indonesia*.

57   Arskal Salim, "The Islamisation of Regional Regulations and Its Impact on Good Governance in Contemporary Indonesia," in *Religion, Law and Intolerance in Indonesia*, ed. Timothy Lindsey and Helen Pausacker (London: Routledge, 2016), 319–34.

58   Epafras, interview, November 17, 2021.

59   Abdalla, interview.

60   Abdalla, interview.

61   Maarif, interview; Robin Bush, "Regional Sharia Regulations in Indonesia: Anomaly or Symptom?," in *Expressing Islam: Religious Life and Politics in Indonesia*, ed. Greg Fealy and Sally White (Singapore: ISEAS-Yusof Ishak Institute, 2008), 174–91

Churches in Indonesia), could harm their own believers in the pursuit of 'harmony'.[62] Such local religious institutions may additionally put other minority groups within the minority at risk. This has been exhibited in the case of Jehovah's Witnesses communities branded as 'heretics' by Indonesian Christians, or in the discrimination against village-level practices of Balinese Hinduism, which have been labelled as 'misguided' by the now-dominant Indian strain of Hinduism in Bali.[63] Failure to mediate conflict resulting from the lack of impartiality and selective enforcement of the law by authorities and religious institutions could lead to violence that spills over geographic boundaries.

Blasphemy accusations and invoking the language of religion thus remain a powerful instrument for majoritarian religions to universalise local problems into collective ones concerning all believers, or the *ummah*, as a whole. Ahok's case has demonstrated that charges of blasphemy can bring together widely-varied Muslim groups across the country— from disenfranchised communities affected by Ahok's policies, entrepeneurs, and young urban consumers, to vigilantes such as FPI and political opportunists—to express religious affects and create a sense of a shared community of care.[64] In Indonesia, where nationalist and religious narratives reflect powerful ideologies, deviation from these accepted worldviews is risky. To sympathise with a religion out of the mainstream was and is a dangerous choice in a country where local problems can be displaced from its context and universalised as a perceived gesture of disrespect towards a dominant religion in a particular area.[65]

The implementation of the blasphemy law has therefore been selective and arbitrary. It is often applied broadly to curtail dissent, especially from human rights defenders, civil society activists, writers, journalists, and political opponents.[66] There are few, if any, checks on its use, leading some to observe that it "has always been used as a tool to discriminate against minorities."[67] Furthermore, a dissident's refusal to yield for the sake of collective

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62   Epafras, interview, November 17, 2021.

63   Epafras, interview, November 17, 2021; Rudyansjah, "Modernization and Religion on Bali."

64   Fealy, "Bigger than Ahok: Explaining the 2 December Mass Rally."

65   Merlyna Lim, "Freedom to Hate: Social Media, Algorithmic Enclaves, and the Rise of Tribal Nationalism in Indonesia," *Critical Asian Studies* 49, no. 3 (2017): 411–27.

66   Gayathry Venkiteswaran, "'Let the Mob Do the Job': How Proponents of Hatred Are Threatening Freedom of Expression and Religion Online in Asia" (Association for Progressive Communication, 2017).

67   Abdalla, interview.

harmony is interpreted by authorities as an absolution of police responsibility to calm tensions and protect them should violence break out.[68]

Indecency

> **"** There is no need to have someone specifically conservative [in a state institution]. All we have to do is create a conservative and conventional atmosphere, and [conservatism] will manifest. People will do their own self-censoring.
>
> LEONARD CHRYSOSTOMOS EPAFRAS[69]

Pornography and its companion, indecency, sit at the intersection of social norms, politics, religion and law. Since Dutch colonial times, pornography and indecency have been prosecutable offences, although its application has varied depending on the regime as interpretations and decisions on what counts as an offence are left to the discretion of government and law enforcers. The Dutch phrases from the law in 1886 were '*aanstotelijk voor de eerbaarheid*' (offence to honour) and '*openbare schennis der eerbaarheid*' (public indecency).[70] These were used to demarcate the spaces separating the 'civilised' Dutch subjects from the 'immodest' natives, as well as to persecute homosexual activities.

The law was incorporated into the Indonesian Criminal Code following Indonesia's independence in 1945. Its provisions were linked to the notion of '*cabul*' (perverted) as a threat imported by 'the West'. The dominant PKI (Indonesian Communist Party) at the time considered lewd pictures, sexually-explicit texts, and youth fashion and dance as parts of western degeneracy popularised by American films.[71] The first attempts to explicitly define and regulate what constitutes pornography emerged in 1968 during the authoritarian New Order era, initiated by journalists and religious communities. The militarised New Order

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68   Wahid, interview.

69   Epafras, interview, November 17, 2021.

70   Jennifer Lindsay, "Media and Morality: Pornography Post Suharto," in Politics and the Media in Twenty-First Century Indonesia, ed. Krishna Sen and David T. Hill (London: Routledge, 2010), 172–95.

71   Lindsay, "Media and Morality: Pornography Post Suharto."

associated uninhibited public behaviour and sexual permissiveness as immoral values going against order and discipline, with the army held up as the paragon of Indonesian national identity.[72] In these long years of Indonesian authoritarian rule, national values served as the foothold in defining boundaries of morality and decency.

After the Indonesian democratic reforms in 1998, the strict Broadcasting Code of Conduct and Program Standards (2004) enforced by the Komisi Penyiaran Indonesia (Indonesian Broadcast Commission, or KPI) has been the benchmark of what is considered 'decent' in mainstream media. During this period, Islamic communities have been at the forefront of defining moral order. The controversial Pornography Law passed in 2008 criminalised any material perceived as damaging public morality.[73] Its supporters included vigilante groups such as FPI, revivalists such as Hizbut Tahrir, and members of Indonesia's two largest mainstream Islamic groups, Nahdlatul Ulama and Muhammadiyah.[74]

The Pornography Law resulted in an array of different interpretations from law enforcement officials all trying to come to grips with the vaguely defined provisions on 'pornographic activities'.[75] Consensual private sexting, as well as texts and arts, such as openly erotic Serat Centhini and Minahasan nude paintings that are part of regional traditions in parts of Indonesia, could be covered under such definitions. Even during the drafting of the law, feminist groups, artists, and indigenous groups had expressed concern that the law would negatively affect traditions of regional dress and customs.[76] Two provincial

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72   Lindsay, "Media and Morality: Pornography Post Suharto."

73   Earlier drafts of the Pornography Law, including the 2005-06 version, termed it the Pornography and 'Pornoaksi' (porno-action) Bill and forbade a wide range of real-world actions that were framed as pornographic. These included kissing on the lips in public, 'erotic dancing,' and the public display of 'sensual body parts,' which are almost all specifically female. The planned sentences were harsh: people caught in a public kiss could incur prison sentences of one to five years or fines of between Rp100 million (A$13,692) and Rp500 million (A$68,460). These 'pornoaksi' offences were, however, omitted from the final text of the law. Still, the final definition of 'pornography' is vague enough to allow banning some of the activities formerly listed as 'pornoaksi.'

74   Helen Pausacker, "Asia-Pacific: Indonesia's New Pornography Law: Reform Does Not Necessarily Lead to More Liberal Attitudes to Morality and Censorship," *Alternative Law Journal* 34, no. 2 (2009): 121–23.

75   Article 1 of Law No. 44 year 2008 concerning Pornography. For discussion in regards to its influence on media regulation, see Diani Citra, "Engineering Inevitability: How Digital Television Is Colonizing Indonesia" (Dissertation, New York, Columbia University, 2019).

76   Pausacker, "Asia-Pacific: Indonesia's New Pornography Law."

legislatures—Bali and the predominantly Christian North Sulawesi—issued statements opposing the law. Performers of *Karnaval Figura*, a North Sulawesi folk tradition where young men and women would cross-dress and dance on the streets, were among the groups harmed by the legislation. Due to these concerns, civil society organisations, lawyers, and Minahasa indigenous group leaders appealed for a judicial review, which was rejected by the Constitutional Court in 2009.[77]

Provisions against indecency are also enshrined in the ITE Law, which covers the digital realm. Article 27 (1) of the law prohibits the "distribution, transmission, and production of any digital content that violates decency,"[78] which allows the government to pass regulations to block websites and content considered as indecent. A year after the Pornography Law was passed, the Ministry of Communication and Information Technology developed a filtering system called *Trust Positif* and required internet service providers to use a Domain Name System (DNS) called *Nawala*, developed by the state-owned enterprise Telkom, to block websites deemed as containing pornographic materials and "harming the morality of the nation."[79]

The ministry boasted that they blocked up to 1,025,263 'pornographic websites' in 2020.[80] Similar to other actions against indecency in Indonesia, what constituted as 'pornographic' remains broad and vaguely defined: among the websites blocked were a gay dating app,[81] YouTube videos allegedly promoting homoerotic content for children,[82] and

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77   Constitutional Court Decision Number 10-17-23/PUU-VII/2009.

78   Article 27 (1) of Law no. 11 year 2008 concerning Information and Electronic Transaction.

79   Aubrey Belford, "Indonesia Finds Banning Pornography Is Difficult," The New York Times, August 1, 2010, https:/ www.nytimes.com/2010/08/02/technology/02iht-indoporn02.html; "Saring Konten Porno, Telkom Luncurkan DNS Nawala," KOMPAS.com, November 17, 2009, https://tekno.kompas.com/read/2009/11/17/12090091/saring.konten.porno. telkom.luncurkan.dns.nawala.

80   Pernita Hestin Untari, "Kominfo Blokir 1 Juta Lebih Situs Pornografi," Okezone, February 4, 2020, https://techno. okezone.com/read/2020/02/04/207/2163125/kominfo-blokir-1-juta-lebih-situs-pornografi.

81   Ed Davies and Cindy Silviana, "More Than 70,000 'Negative' Websites Blocked in Indonesia," Jakarta Globe, February 19, 2018, https://jakartaglobe.id/business/70000-negative-websites-blocked-indonesia/.

82   "Geger Video LGBT di Iklan Youtube Anak-anak, Diblokir Kominfo," CNN Indonesia, September 14, 2021, https://www. cnnindonesia.com/teknologi/20210914075643-185-693848/geger-video-lgbt-di-iklan-youtube-anak-anak-diblokir-kominfo.

platforms such as Tumblr, Vimeo, and Telegram, which allegedly "contain pornographic materials"—although the block for these platforms has recently been lifted.[83] The ministry claimed that the blocking of websites was based on public complaints, but did not detail how such complaints were evaluated and processed.[84]

Indecency and pornography statutes cannot be separated from conservative Islamic classifications of what is proper and improper. In early 2018, the Wahid Foundation—an organisation advancing the development of a tolerant, multicultural society in Indonesia based on the teachings of former president Abdurrahman Wahid—released the results of its survey on intolerance among Muslim women. The study showed that minority groups—religious and political minorities, as well as lesbian, gay, bisexual, and transgender (LGBT) communities—were the principal targets of intolerance.

This "conservative atmosphere" is a result of an active effort by loosely affiliated groups espousing an Islamic public morality. Unlike previous iterations of transnational Islamic politics, these groups have been very national in character, adhering to the state ideology of Pancasila,[85] are composed of a wide variety of socioeconomic segments in society, and focused on disciplining individual piety in order to uphold an Islamic public morality.[86]

Hallmarked as a "new kind of Islamic movement in Indonesia", these populist groups articulate expressions of Islamic conservatism through transversal cultural symbols and discourses. By "wearing fashionable T-shirts, promoting their slogans in English and even wearing jeans while listening to hip-hop music, rather than wearing Arabic-style robes and

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83 January 2011 was the first time the government successfully required censorship by a technology provider. Research in Motion, the operator of BlackBerry's server, was ordered to work with local carriers to block pornographic sites on its smart-phones and to comply with the country's anti-pornography law. This requirement continues to this day.

84 Irma Garnesia, "Aksi Blokir Situs Oleh Pemerintah, Bermanfaatkah?," Tirto.ID, March 16, 2018, https://tirto.id/aksi-blokir-situs-oleh-pemerintah-bermanfaatkah-cGf7.

85 Pradipa P. Rasidi and Khoirun Nisa Aulia Sukmani, "Languages of Propaganda," Inside Indonesia, 2021, https://www.insideindonesia.org/languages-of-propaganda; Wilson, "Between Throwing Rocks and a Hard Place: FPI and the Jakarta Riots."

86 Vedi Hadiz, "A New Islamic Populism and the Contradictions of Development," *Journal of Contemporary Asia* 44, no. 1 (2013): 125–43.

listening to *nasyid* (Islamic gospel songs),"[87] these groups celebrate a consumer culture previously deemed materialistic by older conservative religious movements.[88]

Digital media technologies have been integral in the proliferation and popularity of these new Islamic movements. The Tarbiyah movement, which originated in the last decade of the authoritarian New Order inspired by the Egyptian Muslim Brotherhood, was one of the earliest adopters of the internet in 2005.[89] They preached online about the need to be meticulous in studying Islam, lest Muslims be led astray by 'heretics pretending to be Muslims' (referring to the minority Ahmadiyya or Shia communities).[90] The loosely connected #IndonesiaTanpaJIL movement (Indonesia Without Liberal Islam) used the online space to warn against the dangers of 'Western secular forces' trying to implant perverted versions of Islam. The group, which gained traction in 2012, called the acceptance of feminism and LGBT communities 'immoral' as it would corrupt Muslims from their obligations of conducting prayers and wearing the hijab.[91] Additionally, members of this movement popularised the hashtag #UdahPutusinAja (Just Break Up Already), urging Muslims to quit dating—considered un-Islamic as it may lead to sexual temptations and other indecencies—and go straight to marriage.[92]

These aforementioned revivalist movements focus on answering practical questions of 'proper' Muslim behaviour in daily life. At the heart of this conservative Islamic counterpublic is the attempt to articulate a wider idea of how men and women should conduct themselves in private and in public; this idea is closely intertwined with the idea of 'decency' in both the family and the community. The rise of these revivalist movements have occurred side-by-side with the censorship of media content enforcing conservative ideas of decency, such as the blurring of women's shoulders when wearing traditional Indonesian dresses,[93] Japanese

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87   Ardhianto, "Contemporary Islamic Movement," 154.

88   Rasidi, "Otaku Muslim: Pemuda dalam Kompromi Islam dengan Budaya Pop Jepang."

89   Abdalla, interview.

90   Abdalla, interview; Husein, interview.

91   Hew, "The Art of Dakwah"; Akmal Akmal, "The Rise of #IndonesiaTanpaJIL Youth Movement and the Fall of Liberal Islam on Cyberspace," *Tsaqafah* 15, no. 2 (2019): 363–74.

92   Hew, "The Art of Dakwah."

93   Ina Parlina, "Self-Censorship Runs Amok on Local Television," *The Jakarta Post*, February 27, 2016, https://www.thejakartapost.com/news/2016/02/27/self-censorship-runs-amok-local-television.html.

animation aimed for children,[94] and female athletes wearing internationally accepted attire.[95] These developments point to growing intolerance in mainstream society; as argued by Anita Wahid of the Public Virtue Research Institute and other progressive Muslim activists, such ways of "mainstreaming exclusivism" is a stepping stone towards intolerance.[96]

It is not surprising then that in 2016, a group of conservative Muslim academics called Aliansi Cinta Keluarga (Family Love Alliance, or AILA), led by Professor Euis Sunarti of the respected Bogor Agricultural Institute, requested the Constitutional Court to penalise all acts of premarital sex, instead of just criminalising extramarital infidelity.[97] While the court declined to hear this request, it is important to note that both the petitioner and respondents used interpretations of Islamic teachings to support their arguments. The rejection of the request prompted a social media campaign accusing the court of legalising *zina*, an Islamic legal term referring to unlawful sexual intercourse.[98]

Endeavours by civil society organisations (CSOs) to respond to this "conservative atmosphere" have gone largely unnoticed. Of all 46 respondents in our survey, 24 are unsure about the role played by CSOs in fostering the free expression of religious belief. Among the 24 respondents, 8 believe that CSOs have not played enough of a role, whereas 10 believe that CSOs instead amplify conservativeness and intolerant atmospheres. Of the respondents from faith communities, only two acknowledge that CSOs have played a significant role in safeguarding FoRB.

One respondent from an agnostic community argued that CSOs instead "sharpen polarisation and to some extent nourish [the] intolerant behaviour of sectarian groups,"

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94 Amanda Siddharta, "Indonesian TV Censorship: Cartoons Cut, Athletes Blurred as Conservative Islam Asserts Itself and Broadcasters Fear Sanctions," *South China Morning Post*, December 31, 2017, https://www.scmp.com/culture/film-tv/article/2126007/indonesian-tv-censorship-cartoons-cut-athletes-blurred-conservative.

95 Siddharta, "Indonesian TV Censorship."

96 Wahid, interview; Noor Huda Ismail, "Reversing Radicalisation Online, Interview by Red Tani and Maria Karienova," *Pretty Good Podcast*, March 25, 2022, https://engagemedia.org/2022/pretty-good-podcast-18-online-radicalisation/.

97 Timo Duile, "When Academics Become Anti-LGBT Activists: Fear and Hate in Indonesian Academia," *The Conversation*, December 10, 2021, https://theconversation.com/when-academics-become-anti-lgbt-activists-fear-and-hate-in-indonesian-academia-173433; Akmal, "The Rise of #IndonesiaTanpaJIL Youth Movement."

98 Duile, "When Academics Become Anti-LGBT Activists."

noting their uncritical adoption of jargon used by central government to punish dissent (such as the term 'radical Islam'). Epafras similarly argues that sociocultural efforts to mediate freedom of religious expression have been largely neglected in favour of establishing legal frameworks, with CSOs and religious leaders lacking collaboration in the development of a humanitarian "theological infrastructure."[99] Because of the failure to provide practical solutions to the daily problems of religious adherents, the less-inclusive theological views of conservative groups have gained broader appeal in society.

Epafras' call to pay more attention to sociocultural efforts is imperative when we consider that it is not just the laws themselves that are at issue, but their selective enforcement. Article 281 of the Criminal Code, which "prohibits indecency in public",[100] has largely been used by Muslim actors or groups to shut down clubs or bars during Ramadhan or to censor a kissing scene in a movie. Some local governments have used their jurisdiction to pass bylaws that reflect exclusivist Islamic norms, including imposing dress codes, banning gambling, and prohibiting alcohol consumption and distribution.[101] While Indonesia has always been a conservative nation,[102] recent interpretations of decency statutes lean heavily on exclusivist interpretations of Islamic values. The definitions of pornography and decency thus bring to the fore how the Indonesian emphasis on shame and harmony preservation pave the way for conservative religious values to flourish, and consequently frame how FoE and FoRB are curtailed in Indonesia.

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99   Epafras, interview, November 17, 2021.

100   Article 281 (1) of Law No. 1 year 1946 concerning Indonesian Criminal Code.

101   Bush, "Regional Sharia Regulations in Indonesia"; Simon Butt, "Religious Conservatism, Islamic Criminal Law and the Judiciary in Indonesia: A Tale of Three Courts," *The Journal of Legal Pluralism and Unofficial Law* 50, no. 3 (2018): 402–34.

102   Abdalla, interview; Epafras, interview, November 17, 2021.
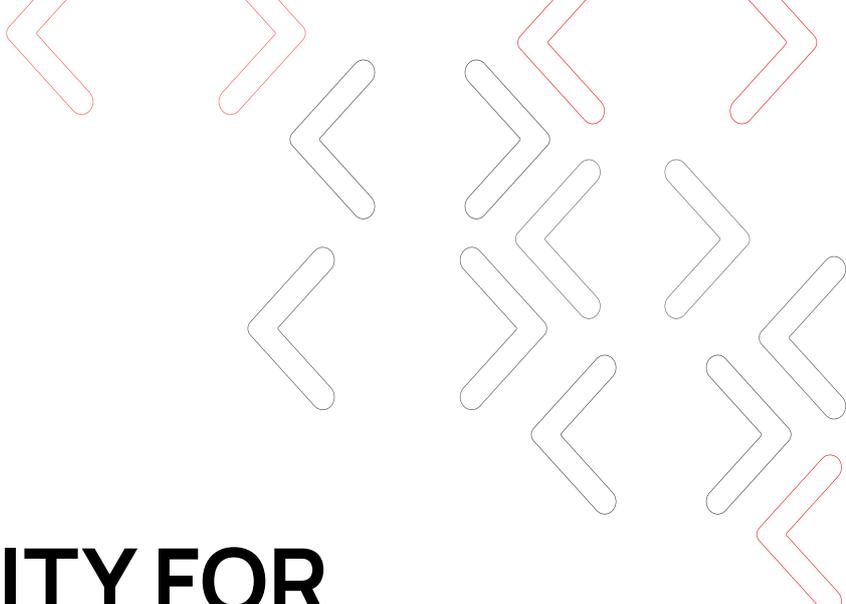
IV.

LACK OF LIABILITY FOR ONLINE PLATFORMS AMPLIFYING RELIGIOUS INTOLERANCE

> " The biggest problem with big tech is that they are clearly using irresponsible algorithms that facilitate hatred and incitement. Algorithms which thrive on engagement. And engagement is obtained through controversy. That is a massive problem.
>
> ULIL ABSHAR ABDALLA[103]

Around the world, big tech companies are increasingly called upon to make ethical decisions regarding the regulation of online speech. However, very little is known about how online platforms' algorithms work, which makes regulating the tech companies a difficult task. On the question of liability, most platforms say that they respect national sovereignty, obey the laws of the countries where they operate, and prioritise these laws over their company's own views—as long as governments issue takedown orders through the

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103   Ulil Abshar Abdalla is one of the founders of Jaringan Islam Liberal (Liberal Islam Network, or JIL). He received his Master in Religious Studies from Boston University. Ulil currently manages Pengajian Ihya, a public recitation group broadcasted online. Abdalla, interview.

appropriate channels.[104] It is not clear, however, how sensitive these tech companies are to variations in the way hate speech and disinformation manifest in different regions, locales, and political circumstances.

The responses from our survey respondents from social media companies indicates this lack of clarity. One Indonesian artificial intelligence scientist working for a big tech social media platform expressed his indifference by claiming that it is not the platform's responsibility to regulate FoRB. For him, platforms' reluctance to respond to hate speech was due to the lack of a tangible subject being harmed. "If someone says Ahmadiyya [believers] are *kafir*, for platforms it's just an opinion," explained the scientist. "As long as they don't say, 'let's kill Ahmadiyya,' it's not an absolute hate." His stance seems to disregard the fact that the declaration of *kafir* can escalate to religious conflict and violence, given Indonesia's culture of selective law enforcement.[105]

Although the perspective of one scientist may not be reflective of social media companies' official views, this stance seems to be in line with the hesitant positions taken by social media platforms in addressing hate speech on their platforms.[106] One reason for this is that engineers and scientists designing algorithms often designate contextual understanding and ethical responsibility to someone else, claiming that attending to such nuance is not a part of their obligation.[107] This tends to amplify hate and perpetuate societal biases rather than provide a relatively fair opportunity for users to connect and participate in social media platforms. At times, engineers may even actively ignore these complex societal issues, simplifying them instead as engineering problems.[108] A social media platform spokesperson contacted for this report has declined to comment.

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104   Robyn Caplan, "Context or Content Moderation? Artisanal, Community-Reliant, and Industrial Approaches" (Data & Society, 2018).

105   Epafras, interview, October 26, 2021; Panggabean et al., *Policing Religious Conflicts in Indonesia*.

106   Caplan, "Context or Content Moderation?"

107   Alexandra Ossola, "Are Engineers Responsible for the Consequences of Their Algorithms?," *Futurism*, September 8, 2017, https://futurism.com/are-engineers-responsible-for-the-consequences-of-their-algorithms.

108   Citra, "The Techno-Politics of Data Justice in Indonesia and the Philippines," Advancing Data Justice Research and Practice (EngageMedia, 2022), https://engagemedia.org/2022/data-justice-research/.

Progressive Muslim activist Ulil Abshar Abdhalla believes that "big tech cannot be allowed to just regulate themselves," making oversight a must.[109] For communication scholar Cherian George, the media bears significant responsibility for the rise of what he terms 'hate spin' through the coverage of manufactured events designed to create controversy and fuel anger. "Hate spin, like public relations, has cracked the code and learned how to exploit media routines," he writes.[110] George's argument readily applies to digital platforms, which also play a significant role in the spread of disinformation and hate speech. The very design and nature of social media facilitates large-scale hate spin, fast dissemination, and manipulation. It "celebrates the culture of connection, which exploits accessibility, in high-volume and multiple channels, in seizing the public opinion."[111] While disinformation and hate speech have a very close relation to religious intolerance,[112] hate speech is much more difficult to regulate.[113]

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109   Abdalla, interview.

110   Cherian George, *Hate Spin: The Manufacture of Religious Offence and Its Threat to Democracy* (Cambridge: MIT Press, 2016), 175.

111   Leonard Chrysostomos Epafras. "Religious Blasphemy and Monitory Society: Come of Age to Digital Democracy?" in *International Symposium on Religious Life (ISRL) 2018*, 690-716 (Yogyakarta, 2018).

112   Wahid, interview, Husein, interview; George, *Hate Spin*.

113   Wahid, interview; Abdalla, interview.

Online spaces as a lawless frontier

Image 1: A screenshot taken from #UdahPutusinAja Instagram page. "Have you ever wanted to say something on social media but ended up not doing so in fear of provoking unwanted commotion?" the image reads. Self-censorship is a recurring theme in Indonesian cyberscape. Source: Komunitas UPA (@udahputusinaja). 2021. "Pernah ga kamu alami fase ini?" Instagram, December 30, 2021. https://www.instagram.com/p/CYHJe0IlvrV/

Looking beyond religiously divisive narratives, Anita Wahid observes that the systematic use of computational propaganda and disinformation operations in the digital space supports exclusionary groups, movements, and actions.[114] Cyberspace amplifies religious intolerance. One key example is the activities of an organisation known as the Muslim Cyber Army (MCA), an Islamic 'hacktivist' group[115] that fully exploits the design and mechanisms of social media platforms. MCA targets progressive opponents through doxing, or the theft and publishing of personal details online. This tactic has also been used by other groups such as the Islamic vigilante group, FPI (Islam Defenders Front), to hunt down and physically attack opponents.

SAFEnet, a digital rights CSO in Indonesia, has found that MCA actively manipulates the public to fuel persecution, despite their stated goal of simply "defending Islam."[116] MCA

114   Wahid, interview.

115   Juniarto, "The Muslim Cyber Army."

116   Juniarto, "The Muslim Cyber Army."

has been accused of spreading fake news and hate speech to inflame religious and ethnic schisms, fan paranoia around gay men and lesbians, alleged communists, and Chinese people, and spread defamatory content undermining the President. While the police have arrested 14 people suspected of being MCA members, the network remains active in undermining local elections.[117] In addition to the disorganised MCA, powerful politicians backed by conglomerates have been organising similar groups to benefit their candidacy. Prabowo Subianto,[118] who went up against Joko Widodo in Indonesia's 2014 and 2019 Presidential election, as well as the now-Governor of Jakarta Anies Baswedan,[119] are known to have a team of cybertroops.

At the same time, Indonesian state actors have also been deploying computational propaganda tactics of cybertroops, popularly called 'political buzzers'.[120] This "unofficial team",[121] a social media army combining fake accounts with 'real' influencers, originated as a group of volunteers in the political campaign of now-President Joko Widodo and Ahok when they were running as Jakarta gubernatorial candidates in 2012.[122] Initially used only to promote electoral candidates, 'political buzzers' today have been deployed to harass and intimidate government critics through doxing and trolling.

Diverse groups of 'political buzzers' have been crucial in supporting the central government's crackdown on 'radical Islam' organisations, especially after the forced disbandment of the revivalist group Hizbut Tahrir in 2017 following Ahok's loss in the Jakarta gubernatorial election. Following the MCA's playbook, these 'political buzzers' target government critics on social media, label them 'radical Islam', and invite their followers to harass these critics and expose their personal information in a bid to curtail dissent.[123]

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117   Juniarto, "The Muslim Cyber Army."

118   Alizen and Fajar, "Election Campaigns and Cyber Troops."

119   Rasidi, "Of Play and Good Men: Moral Economy of Political Buzzing in Indonesia," in *Digital Technologies and Democracy in Southeast Asia*, ed. Yatun Sastramidjaja, Sue-Ann Lee, and Yew-Foong Hui (Singapore: ISEAS-Yusof Ishak Institute, in press).

120   "Cybertrooping."

121   Rasidi, "Of Play and Good Men."

122   Abdalla, interview; Anonymous, Advancing Data Justice Research and Practice, interview by Diani Citra and Pradipa P. Rasidi, January 10, 2022.

123   The buzzer groups involved in such offensive attacks are usually designated as 'negative buzzers'. See "Cybertrooping."

Besides considering 'radical Islam' a threat to Indonesian unity that has "to be exterminated by the state", these groups have also mocked Papuan human rights defenders.[124]

As with MCA, 'political buzzers' working for the Indonesian state have pushed their religious narratives by perpetuating the idea that an authentic Indonesian version of Islam is being perverted by Arabisation and violent extremism. This idea stemmed from narratives propagated by Ahok's campaign team in 2017, which claimed that Indonesia has been infested by misguided Arabicised versions of Islam, threatening Indonesian state and society, a claim partly supported by Indonesian CSOs.[125] In 2019, when the government revised a law in a way that seriously weakened the Komisi Pemberantasan Korupsi (Corruption Eradication Commission, or KPK), 'political buzzers' attempted to justify the government's intervention into the independent anti-corruption body by positing a conspiracy theory claiming that KPK had been infested by extremist elements of the Taliban.[126] Some elements of progressive Islam, unfortunately, have been very keen in supporting this fearmongering of radicalisation; some are also part of pro-government teams of 'political buzzers' themselves.[127]

The landscape of social media platforms in Indonesia has seemingly turned into a lawless battleground for organised groups of political trolls and vigilante hacktivists to fight each other and be taken advantage of by politicians. Several of our religious studies informants remarked that online spaces have become unsafe for minority religious communities and other marginalised groups to freely express their beliefs.[128] They end up self-censoring in fear that their posts may be leaked to unintended audiences and receive unwanted attention.

The current state of social media algorithms, meanwhile, encourages and monetises hate speech and incitement.[129] New evidence from the United States shows that Facebook intentionally sows division globally—often with the effect of undermining democracy—in

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124   Rasidi and Sukmani, "Languages of Propaganda."

125   Wilson, "Jakarta: Inequality and the Poverty of Elite Pluralism"; Rasidi, "Of Play and Good Men."

126   Wija Wijayanto and Albanik Maizar, "Cyber Mercenaries vs the KPK," *Inside Indonesia*, 2021, https://www. insideindonesia.org/cyber-mercenaries-vs-the-kpk.

127   Anonymous, Advancing Data Justice Research and Practice.

128   Epafras, interview, October 26, 2021; Husein, interview; Maarif, interview.

129   Abdalla, interview.

pursuit of breakneck growth and "astronomical profits."[130] To the research team's knowledge, no Asia-Pacific nation has conducted similar investigations into global social media platforms. Nevertheless, understanding the capacity of global platforms to sow division anywhere in the world is important for Indonesian stakeholders. The fact that such platforms are not objective media, but are products of corporations and technological designs biassed toward profit, is crucial to consider when creating digital policies.

Contextual moderation and the limited reach of ITE Law

Many critics[131] have noted problematic aspects of Indonesia's ITE Law, but few point out the unfairness in the way it ascribes responsibility. As implemented, the law holds only individuals or local organisations accountable. The online platforms these actors use—often social media like Facebook and Twitter—are left out of the equation, even as they profit from individual and organisational content.

Indonesia's Ministry of Communication and Information Technology is set to implement regulations intended to improve the moderation of online content that may be problematic for both users and the platforms, which are considered private electronic system organisers (ESOs) in Indonesia. Ministerial Regulation No. 5/2020 requires ESOs to remove or block content at the ministry's behest within four hours for urgent requests and 24 hours for other problematic content.[132] Currently under review is an addendum to the ministerial regulation, which would allow the government to fine and criminally charge internet and social media platforms should they not comply with takedown requests. These new regulations, according

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130   Bobby Allyn, "Here Are 4 Key Points from the Facebook Whistleblower's Testimony on Capitol Hill," NPR, October 5, 2021, https://www.npr.org/2021/10/05/1043377310/facebook-whistleblower-frances-haugen-congress.

131   Merlyna Lim, "The Internet and Everyday Life in Indonesia: A New Moral Panic?," *Bijdragen Tot de Taal-, Land- En Volkenkunde / Journal of the Humanities and Social Sciences of Southeast Asia* 169, no. 1 (2013): 133–47; John Postill and Kurniawan Saputro, "Victims, Volunteers and Voices of the Digital Age: Personifying Digital Issues in Contemporary Indonesia," *in Digital Indonesia: Connectivity and Divergence*, ed. Edwin Jurriens and Ross Tapsell (Singapore: ISEAS Yusof Ishak Institute, 2017).

132   Article 15 of Ministry of Communication and Technology Regulation No. 5/2020 on Electronic System Organisers in the Private Sector.

to a Reuters report, were in response to criticism that the government was remiss in carrying out its obligation to stem waves of unlawful content online.[133]

The premise behind these regulations is that social media platforms should share responsibility for the content they disseminate and profit from. However, while weak content moderation comes with the risk of allowing harmful material to remain on online platforms, tougher actions may turn into excessive censorship that could violate individual freedom of expression. Overly zealous content moderation may be perceived as a restriction of public opinion. The lack of clarity on what is considered unlawful content—likely to be based on the government's interpretation—exacerbates the problem. For example, research on hoax news in Indonesia has shown that the 'disinformation' tag has been leveraged against political opponents to accuse them of wrongdoing and deter disagreement and opposition.[134] Indonesia's content regulation policies, then, are more likely to result in the infringement of online freedom of expression rather than advance discussions on the liability of social media platforms.

Of our 46 survey respondents, 38 agree that the Indonesian government should play a lesser role in moderating and controlling content; they believe the government should only offer regulatory frameworks to guarantee equal expression of all beliefs, as well as ensure spaces for civil society to conduct content moderation. Surprisingly, this view appears to be shared even among survey respondents from government bodies. Only 3 out of 6 government respondents said that the state has the responsibility to control content—and of these three, only two believe that the government has done a good job in that effort. The other three government respondents were sceptical. One local official from Banjar Regency, South Kalimantan, even claimed that the central government "has failed to guarantee the safe expression of religion and belief in online spaces." This lack of trust towards

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133   Fanny Potkin and Stefanno Sulaiman, "EXCLUSIVE - Indonesia Preparing Tough New Curbs for Online Platforms -Sources," *Reuters*, March 23, 2022, https://www.reuters.com/world/asia-pacific/exclusive-indonesia-preparing-tough-new-curbs-online-platforms-sources-2022-03-23/.

134   Ross Tapsell, "Indonesia's Policing of Hoax News Increasingly Politicised," *ISEAS Perspective* 2019, no. 75 (2019): 1–10; Yatun Sastramidjaja and Pradipa P. Rasidi, "The Hashtag Battle over Indonesia's Omnibus Law: From Digital Resistance to Cyber-Control," *ISEAS Perspective* 2021, no. 95 (2021): 1–15.

government moderation indicates that an independent group of content moderators might be better equipped to regulate content on social media, rather than relegating such roles to government bodies.
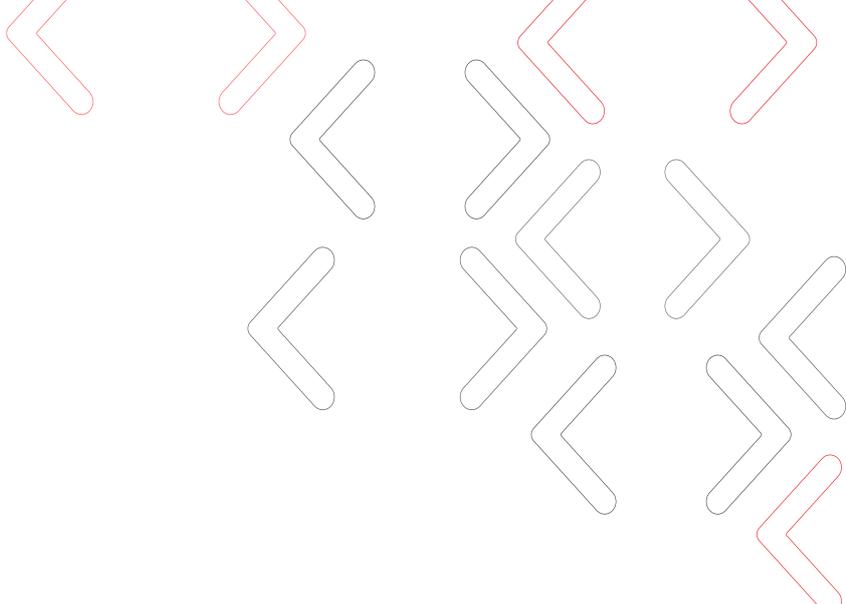
V.
CONCLUSION

Indonesia's laws and regulations provide basic protection for the freedom to express religiosity and belief online, but the Indonesian state has not fully resolved the question of its enforcement. The logic that underlies these laws is paradoxical. On the one hand, Indonesia is a constitutionally secular country that has signed the International Covenant on Civil and Political Rights, wherein the state acts as the primary duty bearer to protect FoE and FoRB. On the other hand, the Indonesian Constitution of 1945 allows restriction of these freedoms for the sake of national values and public order. The laws—based on monotheistic Abrahamic normativity—unequally recognise only six official religions in a country of more than 1,000 communities of diverse faith and religious practices.

Laws and regulations penalising blasphemy and indecency remain the most effective instruments to curtail FoE and FoRB online. Both legal instruments have been arbitrarily used to harm indigenous communities and believers of minority religions, as well as activists, specific gender groups, and political opponents. While the blasphemy statutes enshrined in the 1965 Presidential Decree and Criminal Code have long been implemented in Indonesia, the past decade of rapid digitisation has coincided with an increase in prosecutions of citizens or organisations whose online religious opinions are deemed offensive. Furthermore, although Indonesia has always been a conservative nation,[135] the definitions of decency

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[135]   Abdalla, interview; Epafras, interview, November 17, 2021.

bring to the fore how the Indonesian emphasis on shame and preserving harmony have enabled increasingly conservative religious values to flourish and, consequently, frame the limits on FoE and FoRB in Indonesia.

Social media platforms have remained largely indifferent to the complexities and nuances of FoE and ForB, despite the large role they play in facilitating—or limiting—religious views. Most social platforms are set up to further constrain opportunities for religious minorities and other faith communities to freely express themselves in online spaces. The design of social media platforms incentivises hateful posts, and tech companies intentionally sow division in pursuit of breakneck growth. Additionally, our survey respondents pointed out that despite the inclusion of Indonesians in these companies' tech teams, they have done little to deter the proliferation of content deemed inflammatory in the Indonesian context. Due to the lack of stronger push towards ethical accountability in designing technological systems, scientists and engineers remain desensitised towards social inequalities and religious intolerance perpetuated by such algorithmic systems.[136]

Within such a digitally mediated religious landscape, the curtailing of FoE and FoRB online in Indonesia revolves around three issues:

1. *Majoritarianism*

At the heart of religious discrimination and limitations of FoE and FoRB is the Indonesian pursuit to preserve '*kerukunan beragama*' (religious harmony). This pursuit of harmony tends to give primacy to dominant members of a major religious group; thus, a few dominant voices end up representing the majority of the people, with the rights of minority groups undermined. Anything that violates this notion of majoritarian harmony can be penalised. The practice of majoritarianism has barred religious minorities from many facets of public life, such as accessing public services, freely expressing and practising their religious beliefs, and gaining other opportunities such as jobs and bureaucratic equality—minoritising them not in terms of numbers, but access.[137] The mobilisation of religious affects has also been

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136   Citra, "The Techno-Politics of Data Justice in Indonesia and the Philippines."

137   Epafras, interview, October 26, 2021.

crucial in escalating conflicts to a national scale, as demonstrated in the case of blasphemy charges.[138]

The Indonesian legal system itself stands on top of Abrahamic normativity, acknowledging only official religions that conform to principles taken from Islamic and Christian standards. This normativity has been the basis for the exercise of laws and regulations by state apparatuses, risking the safety of religious minorities and other practitioners of local religious beliefs. Socially, practitioners of minority religions have been stigmatised as irreligious 'primitives'.[139] Institutionally, the more than 1,000 local religious communities in Indonesia are treated only as 'culture' by government bodies rather than considered on the same level as 'religion', implying that such identities carry less weight.

As exhibited in the cases discussed in this report, invoking the language of religion is a powerful articulation of social discontent in Indonesia. Conservative Islamic forces have emphasised the statistical primacy of Islam in Indonesia as the main basis in enforcing moral order and 'harmony' after the Indonesian democratic reforms in 1998, gaining appeal across economic classes.[140] On top of the popular influence of conservative Islamism, the logic of majoritarianism has crept into vast segments of Indonesian society, including in regions where other religions, such as Christianity and Hinduism, may hold more influence locally.[141]

2.   *Arbitrary law enforcement*

Indonesia's pursuit of 'harmony' has depended largely on the selective enforcement of laws and regulations by state apparatuses. With majoritarianism in place, what constitutes 'harmony' tends to be left to the discretion of law enforcers. Indonesian judicial agencies are currently not sufficiently sensitive to how the law approaches issues of religious freedom.

In several cases, police forces tend to exhibit a lack of literacy, both in terms of religious comprehension and in terms of their function as a democratic security apparatus responsible

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138   Wahid, interview; Abdalla, interview.

139   Maarif, interview; Rudyansjah, "Modernization and Religion on Bali."

140   Hadiz, "A New Islamic Populism and the Contradictions of Development."

141   Epafras, interview, November 17, 2021; Maarif, interview.

for policing religious conflicts.[142] Instead of playing the role of mediator between conflicting groups and guaranteeing equal rights to express religious belief, police officers often end up yielding to the demands of majoritarian groups or, worse, get involved in further intimidating marginalised groups.[143] Similar insensitivities can be seen at the judicial level. Judges and prosecutors may favour their own religious values which "can result in significant intolerance and discrimination."[144] State apparatuses tend to adopt a patronising 'mothers know best' attitude in navigating religious conflict.[145]

Local governments have an important role in guaranteeing citizens of equal rights, but actions taken by governmental actors on FoE and FoRB issues have largely functioned as measures of electorate control.[146] Instead of acting on constitutional imperatives to uphold free exercise of religious beliefs, state actors have prioritised their own constituents to win elections. This is particularly apparent in local governments where the ruling party gained legitimacy through mobilisation of religious fervour—both online and offline—and allying themselves with local actors, such as strongmen and conservative religious movements.[147] The efforts from conservative groups themselves have been significant in the past decade, as demonstrated by the increase in blasphemy accusations as well as the call to regulate decency and uphold Islamic morality.[148]

3.   *Active role of local religious groups*

Freedom of religious expression in Indonesia is unequal and hierarchical. The more marginal one's faith, the less freedom one can expect. The result is selective protections for symbols, rituals, and interpretations of certain official religions. In conjunction with arbitrary enforcement of laws by judicial bodies, influential local religious institutions have exacerbated religious tensions rather than mediate conflicts and foster religious tolerance.

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142   Epafras, interview, November 17, 2021; Panggabean et al., *Policing Religious Conflicts in Indonesia.*

143   Epafras, interview, October 26, 2021.

144   Salim, "The Islamisation of Regional Regulations," 364.

145   Epafras, interview, November 17, 2021.

146   Abdalla, interview.

147   Bush, "Regional Sharia Regulations in Indonesia."

148   Asfinawati and Santoso, "Laporan YLBHI atas Kasus Penodaan Agama Sepanjang Tahun 2020;" Fealy, "Bigger than Ahok: Explaining the 2 December Mass Rally."

With the growth of digital technologies facilitating the decentralisation of religious authorities, alternative religious authorities have surfaced into the mainstream. Such is the case with the firebrand Islamist clerics from FPI and public morality movements like AILA, which advocate a more exclusivist interpretation of Islam. These alternative movements have gained popular appeal by successfully tying consumer culture with the practical needs of religious adherents, and propagating their messages through online media.[149]

Additionally, local politicians tend to mobilise support from local religious institutions as a means of gaining favour from their constituents and acquiring legitimacy. By securing relationships with electoral candidates and other influential local strongmen, these local religious institutions end up compromising the safety of religious minorities; this move is often justified as an attempt to maintain 'harmony'. This religious politicking not only occurs among Islamic organisations, but also among regional branches of Christian and Hindu organisations, where groups considered a 'minority within minorities'— such as Jehovah's Witnesses and village-level sects of Hinduism—are put at risk.[150]

The expansive influence of these local religious institutions has effectively eclipsed the reach and impact of other religious organisations in their attempt to foster religious tolerance and safeguard the expression of religion or belief online and offline. To build public support for their position, these organisations seeking to increase religious tolerance tend to resort to non-judicial mechanisms, such as through the press council or other sociocultural mediation outlets. This tactic is often used by individuals and groups in the case of legal disputes; by resorting to these means, the practice highlights the difficulties that religious minorities face in lobbying for decisions in their favour.

This extrajudicial means of acquiring sociocultural capital towards building religious tolerance has not been fully maximised, as democratic CSOs tend to focus solely on working within legal frameworks. Take for instance the case of Gereja Kristen Indonesia Yasmin (Yasmin Indonesian Christian Church, or GKI Yasmin) in Bogor, West Java, where the congregation

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149   Ardhianto, "Contemporary Islamic Movement, Popular Culture and Public Sphere in Indonesia"; Hadiz, "A New Islamic Populism and the Contradictions of Development"; Hew, "The Art of Dakwah."

150   Epafras, interview, November 17, 2021.

was forced to relocate their church after failing to secure the local government's approval for construction. While the local government offered land grants at a new location, some human rights activists refused due to unfair legal proceedings,[151] prolonging the case for 15 years.[152] This case shows that law alone is insufficient in resolving religious conflict.

Lastly, the lack of collaboration between CSOs and religious leaders, as noted by our survey respondents and informants,[153] have allowed conservative movements to gain a foothold in religious narratives—as the conservatives are more prepared to offer solutions to daily practical questions of piety from religious adherents.

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151   Epafras, interview, November 17, 2021.

152   "Kronologi 15 Tahun Kasus GKI Yasmin Berujung Hibah Lahan," *CNN Indonesia*, June 14, 2021, https://www.cnnindonesia.com/nasional/20210614093154-12-653957/kronologi-15-tahun-kasus-gki-yasmin-berujung-hibah-lahan.

153   Abdalla, interview; Epafras, interview, November 17, 2021; Husein, interview.
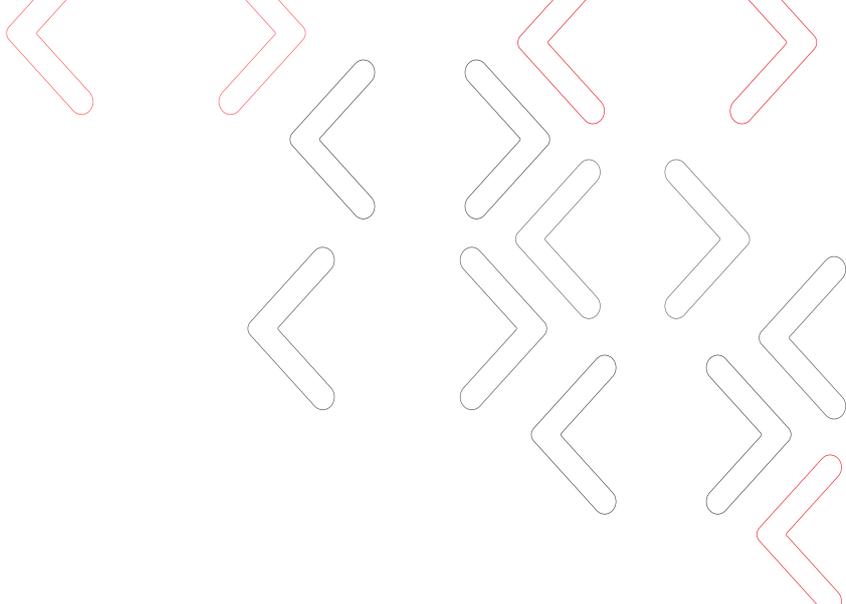
VI.
RECOMMENDATIONS

The landscape of digitally mediated religious expression in Indonesia has plenty of room for improvement to ensure a more level playing field for minority groups. The recommendations below, aimed at civil society, local and national government, and social media platforms, offer a modest way to support the improvement of opportunities for Indonesians to safely express their religiosity and belief online.

We invite CSOs to be more critical in their approaches and assumptions when dealing with FoE and FoRB, governments to move away from patronising attitudes and towards fostering sociocultural mediation, and social media platforms to be more sensitive of local contexts and employ ethical accountability in developing their algorithmic systems. Moreover, we recommend mapping out means to acquire social and cultural capital, as well as extrajudicial actors and CSOs that have been catalysing FoRB and FoE at the local and national level. This will allow for a more contextual engagement and resolution strategy in addressing religious conflict.

Civil society

Significant limitations of FoE and FoRB online and offline disproportionately impact people of minority faiths and marginalised groups. CSOs need to consider collaborating with religious communities to provide a humanistic "theological infrastructure"[154] that can form the basis for protecting freedom of religious expression of affected communities. At the moment, most CSOs tend to frame issues of religious expression only on the basis of democratic public space, with little regard to the philosophical and theological frameworks that support the rights of minority religions as well as other marginalised groups like LGBT communities.[155]

This framing tends to get lost in translation in conversations with wider elements of religious communities grounded on completely different philosophical and moral articulations. Our survey respondents noted that cooperation among these different elements in civil society has been lacking. Religious authorities should be a partner to supplant rights-enabling, humanistic theological frameworks in order to help guarantee the exercise of FoE and FoRB. This collaboration should help leaders of religious institutions to be more mindful of harmful, fear-mongering speech that can potentially threaten the liberty and safety of minority groups.

Additionally, CSOs need to critically examine their own underlying assumptions on FoE and FoRB. For instance, CSOs have not keenly scrutinised their use of the all-encompassing, vaguely-defined term of 'radical Islam', which has been appropriated by the central government to disband organisations and curtail dissent.[156] The term has been used to generalise vastly different conservative groups' attitudes to violence, exclusivism, and politics. This vague and broad definition poses difficulties in pinning down the root of the problem,[157] further widening polarisation within society.

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154   Epafras, interview, November 17, 2021.

155   Epafras, interview, November 17, 2021; Husein, interview.

156   Nuraniyah, "The Costs of Repressing Islamists"; Rasidi and Sukmani, "Languages of Propaganda."

157   For critique on terms, see Judith Nagata, "Beyond Theology: Toward an Anthropology of 'Fundamentalism,'" *American Anthropologist* 103, no. 2 (2001): 481–98.

A similar critical attitude needs to be taken towards digital literacy programs and other efforts to counter hate speech and disinformation. Such programs have been implemented in a patronising, top-down manner with little regard to participants' media use and no reliable way to measure impact.[158] The focus on digital literacy programs as a solution to hate speech tends to ignore the reality that digitally literate participants are also involved in disseminating disinformation and amplifying religious tension.[159] While literacy programs remain important, the content and implementation of these programs should acknowledge and be tailored to the lived realities of participants and their use of digital media.

Lastly, while the problems of religious intolerance and radicalism have gained much needed scrutiny, not enough attention is paid to the other end of the spectrum: attempts for conflict resolution and peace-building.[160] The focus on radicalism cases draws attention away from attempts by organisations and communities to establish interreligious communication and protect religious minorities. Such extrajudicial, sociocultural endeavours—such as successful efforts at policing religious conflicts[161]—tend to be ignored by CSOs in favour of establishing and working within legal frameworks.[162]CSOs, including in international level, need to pay further attention to these accomplishments. More funding is needed to support research and attempts to replicate success stories of fostering religious tolerance.

Local and national government

Arbitrariness in law enforcement by authorities suggests a lack of literacy, both in terms of their religious comprehension and their function as democratic security apparatuses.[163] State apparatuses tend to adopt a patronising 'mothers know best' attitude in navigating religious conflict.[164] With insufficient religious understanding and lacking the influence of local clerics, law enforcement officers tend to follow the interest of local politicians in

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158   Epafras, interview, November 17, 2021.

159   Pradipa P. Rasidi, "Melampaui 'Literasi Digital': Kelindan Teknokapitalisme, Ideologi Media, dan Hiperhermeneutika," *Jurnal KOMUNIKATIF* 10, no. 2 (2021), http://journal.wima.ac.id/index.php/KOMUNIKATIF/article/view/3525/pdf.

160   Abdalla, interview; Maarif, interview.

161   Panggabean et al., *Policing Religious Conflicts in Indonesia*.

162   Abdalla, interview; Epafras, interview, November 17, 2021.

163   Epafras, interview, November 17, 2021; Panggabean et al., *Policing Religious Conflicts in Indonesia*.

164   Epafras, interview, November 17, 2021.

maintaining electoral control, continuing the vicious cycle that is deteriorating religious tolerance in Indonesia.

The overarching efforts by the government should focus on debunking patronising attitudes. Instead of adopting an attitude of knowing best, law enforcement officers need to establish their role as providers of safe spaces for public discussion. While judicial review against problematic regulations serves as a long term solution to the problem of selective law enforcement, the national government can supplement this effort by ensuring law enforcement officers have increased religious literacy that is based on a humanistic theological framework.

As a means to circumvent the inadequate legal framework, local communities have been reliant on sociocultural capital[165] to resolve religious conflicts. The government needs to take notice of such extrajudicial approaches as effective means in settling disputes. One of our informants went as far as arguing that law should be treated more as guidance or advice.[166] As extrajudicial measures require a nuanced understanding, local governments are best placed to understand local dynamics by engaging with local religious institutions and ensuring minority groups are heard, represented, and accommodated.

Lastly, governments should push for accountability of social media platforms. Platforms are not objective media, but are products of corporations and technological designs biassed towards profit. Instead of enacting tough laws and penalising internet and social media platforms,[167] the government should instead incentivise social media platforms to improve their content moderation in local languages and with sufficient self-regulatory mechanisms.

In addition, the government should move away from a top-down approach; rather, an alternative approach is to convene independent content moderation bodies composed of civil society, government bodies, and social media platforms, which will provide oversight on content moderation and supplement shortcomings of such initiatives. Survey respondents believe that the Indonesian government should play a lesser role in moderating and

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165   Epafras, interview, November 17, 2021.

166   Epafras, interview, November 17, 2021.

167   Potkin and Sulaiman, "EXCLUSIVE - Indonesia Preparing Tough New Curbs for Online Platforms -Sources."

controlling content; the focus should be on offering regulatory frameworks that guarantee equal opportunity for the expression of all beliefs, as well as ensuring spaces for civil society to conduct content moderation.

Social media platforms

Digital platforms and social media websites have been important fixtures in Indonesians' daily lives, enabling many to express their opinions and participate in online civic spaces. But poor content moderation on social media platforms has allowed for the creation of an environment where hate crimes and violations of FoRB can thrive. Social media platforms operating in Indonesia should invest in locally relevant content moderation efforts to foster safe spaces for its users, considering the huge base of users depending on digital technologies to live with dignity.[168] Two of our specialist informants expect platforms to take content moderation beyond keyword and picture restrictions or geo-blocking.[169] Instead they demand:

- more robust machine learning moderation that is fluent in the Indonesian language and cognisant of the nuances of the Indonesian context;
- more Indonesian human moderators.[170]

Social media platforms should support and provide space for Indonesians in varying roles within the organisation. For instance, organisations and communities of Indonesian fact-checkers and traditional authorities can provide content moderation sensitive to local context, particularly when the content is written in local idioms that may not be directly apparent to non-locals. Hiring Indonesian scientists and engineers can also help develop systems that take into consideration the country's particular social, religious, legal, and political circumstances. Aside from these, social media platforms should also be transparent about their content moderation practices. Our survey respondents say social media platforms

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168   Citra, "The Techno-Politics of Data Justice in Indonesia and the Philippines."

169   Abdalla, interview; Wahid, interview.

170   Abdalla, interview; Wahid, interview.

should publish regular, easy-to-understand reports on content moderation and offer means for appeal in case of misattribution or wrongful sanction.

But, as indicated in our survey, the employment of Indonesians alone is not enough. Responsibility starts with design. Social media companies must increasingly place emphasis on ethical accountability in designing technological systems that may potentially exacerbate and perpetuate social inequalities and religious intolerance. To this end, social media companies and large parts of the Indonesian corporate sector more broadly, must recognise how individual biases contribute to developing systems harmful to minorities, and take steps to embed ethical accountability in their organisational capacity. Such steps would help ensure that employees approach the development of technological systems with sensitivity towards the particularities of the Indonesian context. More concerted and genuine efforts from social media platforms are needed to create a system that, instead of perpetuating harmful biases, would enable users to freely participate in online civic spaces without fear of social and legal repercussions.
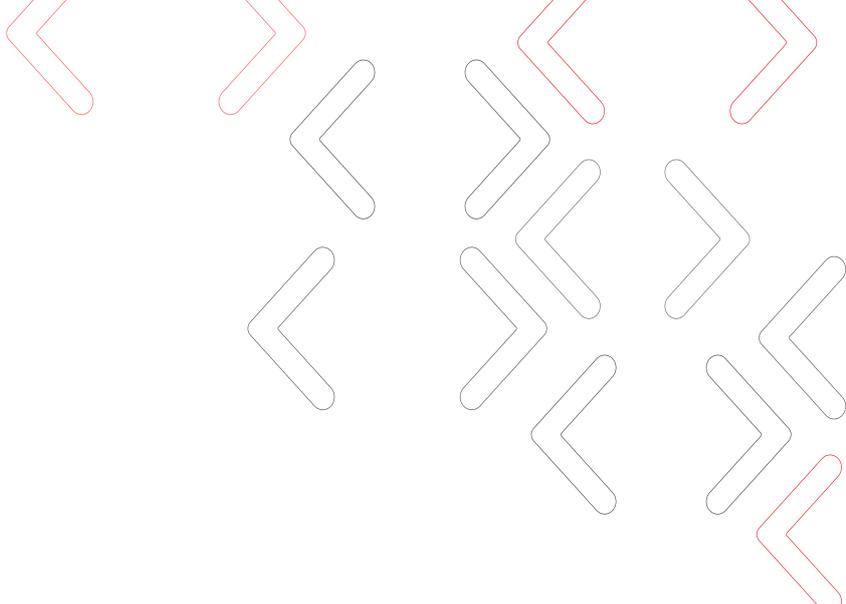
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ANNEX

Survey Respondents

#	NAME	INSTITUTION
	Civil Society Organisations	
1.	Anonymous Respondent 1	N/A
2.	Anonymous Respondent 2	N/A
3.	Novel Matindas	Amnesty International Indonesia
4.	Harry Sufehmi	N/A
5.	Anonymous Respondent 3	N/A
6.	Anonymous Respondent 4	N/A
7.	Sherly Haristya	N/A
8.	Anonymous Respondent 5	N/A

	Government Bodies	
9.	Anonymous Respondent 6	N/A
10.	Anonymous Respondent 7	N/A
11.	Anonymous Respondent 8	N/A
12.	Anonymous Respondent 9	N/A
13.	Anonymous Respondent 10	N/A
14.	Anonymous Respondent 11	N/A
	Academia	
15.	Anonymous Respondent 12	N/A
16.	Tony Rudyansjah	Universitas Indonesia
17.	Ibnu Nadzir Daraini	Badan Riset dan Inovasi Nasional
18.	Anonymous Respondent 13	N/A
19.	Ananta Viriya Kandaka	SMAS Jaya Plus Montessori
20.	Yanuardi Syukur	Universitas Khairun
21.	Anonymous Respondent 14	N/A
22.	Miranda Risang Ayu Palar	Universitas Padjajaran
23.	Zulkarnain Tihurua	Institut Agama Islam Negeri Ambon
	Faith & Irreligious Communities	
24.	Anonymous Respondent 15	N/A
25.	Anonymous Respondent 16	N/A
26.	Anonymous Respondent 17	N/A
27.	Anonymous Respondent 18	N/A

28.	Anonymous Respondent 19	N/A
29.	Anonymous Respondent 20	N/A
30.	Anonymous Respondent 21	N/A
31.	Anonymous Respondent 22	N/A
	Social Media Platforms	
32.	Anonymous Respondent 23	N/A
33.	Anonymous Respondent 24	N/A
	Technology Companies	
34.	Anonymous Respondent 25	N/A
35.	Anonymous Respondent 26	N/A
36.	Anonymous Respondent 27	N/A
37.	Anonymous Respondent 28	Jasa Teknologi Informasi IBM
38.	Anonymous Respondent 29	N/A
39.	Denny H	N/A
40.	Anonymous Respondent 30	N/A
41.	Asanilta Fahda	N/A
42.	Anonymous Respondent 31	plantseeds.io
43.	Anonymous Respondent 32	N/A
44.	Anonymous Respondent 33	N/A
45.	Nathanael Pribady	Pintar Ventura Group
46.	Anonymous Respondent 34	N/A

Interviewees

#	NAME	INSTITUTION
1.	Leonard Chrysostomos Epafras	Universitas Kristen Duta Wacana, Indonesian Consortium for Religious Studies
2.	Anita Wahid	Public Virtue Research Institute
3.	Samsul Maarif	Center for Religious and Cross-cultural Studies Universitas Gadjah Mada
4.	Ulil Abshar Abdalla	N/A
5.	Fatimah Husein	Indonesian Consortium for Religious Studies